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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,708	06/07/2001	Masahiro Hashimoto	P/126-205	9405
2352	7590	05/19/2004	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			AZARIAN, SEYED H	
			ART UNIT	PAPER NUMBER
			2625	
			DATE MAILED: 05/19/2004	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/876,708

Applicant(s)

HASHIMOTO, MASAHIRO

Examiner

Seyed Azarian

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2001.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-14 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 07 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-14, are rejected under 35 U.S.C. 102(e) as being anticipated by Nakamura et al (U.S. patent 6,135,312).

Regarding claim 1, Nakamura discloses an electronic watermark system for use in inserting an electronic watermark into a digital image, comprising (column 1, lines 7-15, embedding watermark information);

measuring means for measuring a data amount of the digital image per unit time to produce a detection signal representative of a result of measurement (Fig. 6, column 13, lines 57 through column 14, line 16, time of embedding the information in the motion picture, by dividing the motion picture into group of frames of unit time);

and control means for controlling a degree of insertion strength of the electronic watermark with reference to the data amount of the digital image per unit time (column 32, lines 28-44, furthermore, the strength can be controlled to counter degradation of the sub-information (watermark information)).

Regarding claim 2, Nakamura discloses an electronic watermark system as claimed in claim 1, wherein the control means comprises: a judging portion for judging the data amount of the digital image to produce a judgment result signal (column 40, lines 55-65, reading information for a block judges the coefficient corresponding to the coordinates selected by coordinates-selection);

the electronic watermark system further comprising an insertion portion for inserting the electronic watermark by adjusting the degree of insertion strength of the electronic watermark in response to the judgment result signal (see claim 1, also column 51, lines 12-42, sub-information subjected to error correction coding, then the judgment of the possibility of error correction can be made from the reliability).

Regarding claim 3, Nakamura discloses an electronic watermark system as claimed in claim 2, further comprising: a preprocessing portion, which is supplied as the digital image with a sequence of DCT coefficients (column 27, lines 5-22, Discrete Cosine Transform);

the judging portion judging the data amount from the number of the DCT coefficients (column 37, line 54 through column 38, line 6, frequency coefficient).

Regarding claim 4, Nakamura discloses an electronic watermark system as claimed in claim 2, further comprising, a preprocessing portion which is supplied as the digital image with a sequence of bits from a preprocessing portion (column 20, lines 50-67 a different bit number is obtained by comparing discrimination code and a portion corresponding);

the judging portion judging the data amount from a bit rate of the bit sequence (column 49, line 53-67 the bit-information reading section judges the bit assigned with the quantization value).

Regarding claim 5, Nakamura discloses an electronic watermark system as claimed in claim 1, wherein the digital image is a sequence of encoded data encoded in accordance with the MPEG coding (column 7, line 59 through column 8, line 5, information in the motion picture encoded by the MPEG).

Regarding claim 6, Nakamura discloses a method of inserting an electronic watermark into a digital image, comprising the steps of, measuring a data amount of the digital image per unit time to produce a measurement result signal representative of a measurement result; and controlling a degree of insertion strength of the electronic watermark in response to the measurement result signal to insert, into the digital image, the electronic watermark adjusted by the degree of insertion strength (column 32, lines 45-65, measuring strength of copy right).

Regarding claim 14, Nakamura discloses a method as claimed in claim 11, wherein the detecting step comprises the steps of, measuring a bit rate of the digital image to obtain the data amount of per unit time (column 13, lines 57 through column 14, line 12, time of embedding the information in the motion picture, by dividing the motion picture into group of frames of unit time);

and controlling the degree of insertion strength with reference to the measured bit rate (see claim 1, and column 32, lines 45-65, measuring the strengthening of the copyright).

Regarding claims 7, 8, 9 and 10, it recites similar limitation as claims 2, 3, 4 and 5, are similarly analyzed.

Regarding claims 11, 12 and 13, it recites similar limitation as claims 1 and 3, are similarly analyzed.

Other prior art cited

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. patent (6,415,041) to Oami et al is cited for digital watermark insertion system and digital watermark characteristic table creating device.

U.S. patent (6,222,932) to Rao et al is cited for automatic adjustment of image watermark strength based on computed image texture.

U.S. patent (5,915,027) to Cox et al is cited for digital watermarking.

U.S. patent (6,226,387) to method and apparatus for scene-based video watermarking.

U.S. patent (6,069,914) to Cox watermarking of image data using MPEG/JPEG coefficients.

Contact Information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seyed Azarian whose telephone number is (703) 306-5907. The examiner can normally be reached on Monday through Thursday from 6:00 a.m. to 7:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached at (703) 308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application information Retrieval (PAIR) system. Status information for published application may be obtained from either Private PAIR or Public PAIR.

Art Unit: 2625

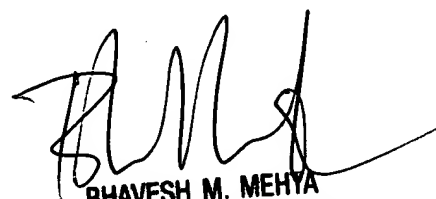
Status information about the PAIR system, see [http:// pair-direct.uspto.gov](http://pair-direct.uspto.gov). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Seyed Azarian

Patent Examiner

Group Art Unit 2625

April 29, 2004



BHAVESH M. MEHTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600